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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,000	01/30/2001	Satoshi Okuyama	1405.1034 (JDH)	8470
21171	7590	05/23/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			GOLD, AVI M	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,000

Applicant(s)

OKUYAMA ET AL.

Examiner

Avi Gold

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the amendment filed on February 21, 2006. Claims 1, 2, 12, and 14-23 were amended. Claims 1-24 are pending.

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Namekawa, U.S. Patent No. 6,237,027.

Namekawa teaches the invention as claimed including receiving and transmitting electronic mail between computer devices connected to a network (see abstract).

Regarding claim 1, Namekawa teaches a text messaging system including a plurality of information terminals provided with communications means, and servers connected to the information terminals via communication lines responsive to the communications means, the text messaging system comprising:

a plurality of transmission means having different transmission modes provided in each of the information terminals for transmitting to the servers text messages

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addressed to other of the information terminals (col. 3, lines 56-65; Namekawa discloses an electronic mail system);

reception means provided in the information terminals to for receiving from the servers text messages from other of the information terminals (col. 3, lines 56-65);

status detection means provided in the information terminals for detecting and reporting to the servers an operational status of the each transmission means including at least a change of status of the connection with the communication lines (col. 6, lines 34-48, Namekawa discloses arrival detection);

reception means provided in the servers for receiving text messages from any one of the information terminals (col. 3, lines 56-65);

status administration means provided in the servers for storing, per user of any one of the information terminals, the operational status, including the change of status, of the each transmission means of each information terminal reported from said status detection means (col. 6, lines 34-48, Namekawa discloses recording the status of the detection);

determining means provided in the servers for referring to the operational status, including the change of status, stored by the status administration means of an information terminal that is a destination of the text message received from the information terminal, and for dynamically determining a message destination or a transmission means and transmission mode for the received text messages according to the stored operational status and change of status (col. 6, lines 34-65, col. 9, lines 21-38, Namekawa discloses a determination on how to transmit data and the use of a

normal mode and a message mode based on the status and the reading of setup data to dynamically determine the type of data to be transmitted); and

transmission means provided in the servers for transmitting text messages received from the information terminals to the dynamically destination information terminal according to the dynamically determined transmission mode using the determined transmission means (col. 3, lines 56-65, col. 6, lines 34-65, col. 9, lines 21-38).

Regarding claim 2, Namekawa teaches a text messaging system including a mobile terminal and an information terminal respectively provided with communication means, and a server connected to the mobile terminal and to the information terminal via a communications line responsive to the communications means, the text messaging system comprising:

a plurality of transmission means having different transmission modes in the information terminal for transmitting to the server text messages addressed to the mobile terminal, or to another information terminal (col. 3, lines 56-65, col. 4, lines 61-65; Namekawa discloses a portable electronic mail apparatus);

reception means provided in the information terminal for receiving from the server text messages from the mobile terminal, or to another information terminal (col. 4, lines 61-65; col. 3, lines 56-65);

status detection means provided in the information terminal for detecting and reporting to the server an operational status of the each transmission means including

at least a change of status of the connection with the communications line (col. 4, lines 61-65, lines 55-57; col. 6, lines 34-48);

reception means provided in the server for receiving text messages from the mobile terminal or the information terminal (col. 4, lines 61-65; col. 3, lines 56-65);

status administration means provided in the server for storing, per user of the information terminal, an operational status of each transmission means of the information terminal reported from said status detection means (col. 6, lines 34-48); and

determining means provided in the server for referring to the operational status, including the change of status, stored by the status administration means of an information terminal that is a destination of the text message received from the information terminal, and for dynamically determining a message destination or a transmission mode and a transmission means for the received text messages according to the stored operational status and change of status (col. 6, lines 34-48, col. 9, lines 21-38); and

transmission means provided in the server for transmitting to the information terminal text messages received from the mobile terminal, and transmitting to the mobile terminal text messages received from the information terminal, or transmitting text messages received from the mobile terminal or the information terminal to another mobile terminal or to another information terminal according to the dynamically determined transmission mode using the dynamically determined transmission means (col. 4, lines 61-65; col. 3, lines 56-65).

Regarding claim 3, Namekawa teaches a text messaging system according to claim 2, wherein:

said status detection means further detects and reports to the server whether the information terminal is being used; and

said determining means, upon the information terminal is being used determines the information terminal to be a transmission destination for text messages (col. 6, lines 34-48).

Regarding claim 4, Namekawa teaches a text messaging system according to claim 2, the at least one information terminal further being provided with service detection means for detecting and for reporting to the server network-application operational status in the information terminal; wherein:

said status administration means stores the reported network-application operational status (col. 6, lines 34-48); and

said determining means, wherein the network application is operable on the server, determines to transmit received text messages using the network application if the network application is running on the information terminal (col. 6, lines 34-48, col. 9, lines 21-38).

Regarding claim 5, Namekawa teaches a text messaging system according to claim 2, wherein said transmission means is enabled to notify the server that a text message has been read, further comprising:

reporting administration means provided in the server for saving text messages transmitted to the information terminal, and, wherein if not notified to the effect that a text message has been read, for forwarding the text message to the mobile terminal (col. 3, lines 56-65, col. 6, lines 34-48, col. 10, lines 3-21, Namekawa discloses the use of a flag and sending the mail to a portable device if it is not read).

Regarding claim 6, Namekawa teaches a text messaging system according to claim 5, wherein said reporting administration means forwards to the mobile terminal text messages transmitted to the information terminal in response to change in operational status of the information terminal (col. 6, lines 34-48, col. 10, lines 3-21).

Regarding claim 7, Namekawa teaches a text messaging system according to claim 5, wherein if a text message transmitted to the information terminal is not read within a predetermined time period, said reporting administration means forwards the text message to the mobile terminal (col. 6, lines 34-48, col. 10, lines 3-21).

Regarding claim 8, Namekawa teaches a text messaging system according to claim 5, wherein said reporting administration means in predetermined instances reports to text message send sources that their text messages have been sent to the mobile terminal (col. 6, lines 34-48, col. 10, lines 3-21).

Regarding claim 9, Namekawa teaches a text messaging system according to claim 5, wherein if said reporting administration means cannot send a text message to the mobile terminal, said reporting administration means stores the text message and reports to the text message send source that its text message has been stored (col. 6, lines 34-48, col. 10, lines 3-21, Namekawa discloses data being left as it is until it can be sent again).

Regarding claim 10, Namekawa teaches a text messaging system according to claim 2, wherein:

said status detection means reports to the server text message senders' contact phone numbers (col. 5, lines 36-44, Namekawa discloses identification information including subscribers numbers being stored on a portable computer);

said status administration means holds the reported phone numbers (col. 5, lines 36-44); and

wherein a text message is sent from the information terminal to the at least one mobile terminal, if the senders' contact phone number has been set, said decision means adds the phone number to and transmits the text message (col. 5, lines 36-44).

Regarding claim 11, Namekawa teaches a text messaging system according to claim 2, further comprising a proxy information terminal connected to the communications line, wherein said proxy information terminal is provided with:

reception means for receiving from the server text messages from the mobile terminal (col. 4, lines 61-65; col. 3, lines 56-65);

information acquisition means for obtaining in accordance with the received text messages operational status of other information terminal wherein the system includes a plurality thereof (col. 4, lines 61-65; col. 6, lines 34-48);

transmission means for transmitting the obtained operational status as a text message to the mobile terminal (col. 4, lines 61-65; col. 3, lines 56-65); and

information setting means for setting and reporting to the server an operational status of the other information terminal in accordance with the received text messages (col. 6, lines 34-48).

Regarding claim 12, Namekawa teaches a text messaging system including a mobile terminal and an information terminal respectively provided with communication means, a first server connected to the information terminal via communications line responsive to the communications means, and a second server connected to the mobile terminal and to the information terminal via the communications line, the text messaging system comprising:

a plurality transmission means having different transmission modes provided in the information terminal for transmitting to the second server text messages addressed to the mobile terminal, or to another information terminal wherein the system includes a plurality thereof (col. 4, lines 61-65, col. 3, lines 56-65);

reception means provided in the information terminal for receiving from the second server text messages from the mobile terminal, or from other information terminal wherein the system includes a plurality thereof (col. 4, lines 61-65, col. 3, lines 56-65);

status detection means provided in the information terminal for detecting and reporting to the first server an operational status of the each transmission means including at least a change of status of connection with the communications line (col. 4, lines 61-65, col. 6, lines 34-48);

status administration means provided in the first server for gathering and storing per user of the information terminals, an operational status, including the change of status, of the each transmission means from each information terminal (col. 6, lines 34-48);

reception means provided in the second server for receiving text messages from the mobile terminal or the information terminal (col. 4, lines 61-65, col. 3, lines 56-65);

determining means provided in the second server for obtaining from the first server operational status, including the change of status, of the information terminal that is a destination of the text message received from the information terminal, and for dynamically determining a transmission mode for received text messages according to the obtained operational status and change of status (col. 6, lines 34-48, col. 9, lines 21-38); and

transmission means provided in the second server for transmitting text messages received from the mobile terminal or the information terminal to another mobile terminal

or a destination information terminal according to the dynamically determined transmission mode using the dynamically determined transmission means (col. 4, lines 61-65, col. 3, lines 56-65).

Regarding claim 13, Namekawa teaches a text messaging system according to claim 12, wherein the information terminal is enabled to notify the second server that a text message has been read, and further comprising:

reporting administration means provided in the second server for saving text messages transmitted to the information terminal, and, wherein not notified to the effect that a text message has been read, for forwarding the text message to the information terminal (col. 3, lines 56-65).

Regarding claim 14, Namekawa teaches in an information terminal provided with communication means for transmitting and receiving text messages among mobile terminals or other information terminals via communication lines and servers responsive to said communication means, a text messaging device comprising:

a plurality of transmission means having different transmission modes for transmitting to the servers text messages addressed to the mobile terminals or to the other information terminals (col. 4, lines 61-65, col. 3, lines 56-65);

reception means for receiving from the servers text messages from the mobile terminals or from the other information terminals (col. 4, lines 61-65, col. 3, lines 56-65);
and

status detection means for detecting and reporting to the servers an operational status of the each transmission means information terminals including at least a change of status of a connection with the communications lines (col. 4, lines 61-65, col. 6, lines 34-48).

Regarding claim 15, Namekawa teaches a text-messaging server connected to at least one mobile terminal and an information terminal respectively provided with communication means, via communications line responsive to the communications means, the server comprising:

reception means for receiving text messages from the mobile terminal or the information terminal (col. 4, lines 61-65, col. 3, lines 56-65);

transmission means for transmitting text messages received from the mobile terminal or the at least one information terminal to another mobile terminal or to another information terminal using a dynamically determined transmission means and a dynamically determined transmission mode, wherein the server is connected to a plurality of either (col. 4, lines 61-65, col. 3, lines 56-65);

status administration means for receiving and storing per user of the information terminal, an operational status, including a change of status, of the each transmission means of the information terminal (col. 6, lines 34-48); and

determining means for referring to the operational status, including the change of status, stored by the status administration means of an information terminal that is a destination of the text message received from the information terminal, and for

dynamically determining a message destination or a transmission means and transmission mode for the text messages according to the stored operational status and change of status (col. 6, lines 34-48, col. 9, lines 21-38).

Regarding claim 16, Namekawa teaches a computer-readable recording medium on which is recorded a text messaging program utilized in an information terminal provided with communication means for transmitting and receiving text messages among mobile terminals or other information terminals via communication lines and servers responsive to said communication means, the computer-readable recording medium on which is recorded the text messaging program for executing:

transmitting to the servers text messages addressed to the mobile terminals or to the other information terminals with one of a plurality of transmission means with different transmission modes (col. 4, lines 61-65, col. 3, lines 56-65);

receiving from the servers text messages from the mobile terminals or from the other information terminals (col. 4, lines 61-65, col. 3, lines 56-65); and

detecting and reporting to the servers an operational status of each information terminal including at least a change of status of a connection with the communications lines (col. 4, lines 61-65, col. 6, lines 34-48).

Regarding claim 17, Namekawa teaches a computer-readable recording medium on which is stored a text messaging administration program utilized in a server connected to mobile terminal and information terminal respectively provided with

communication means, via communications line responsive to the communications means, the computer-readable recording medium on which is recorded the text messaging administration program for executing:

receiving text messages from the mobile terminal or the information terminal (col. 4, lines 61-65, col. 3, lines 56-65);

obtaining and storing, per user of the information terminal, an operational status, including a change of status, of each transmission means of each the information terminal (col. 4, lines 61-65, col. 6, lines 34-48); and

determining each text message transmission mode according to the operational status, including a change of status, of the information terminal (col. 6, lines 34-48, col. 9, lines 21-38); and

transmitting text messages from the information terminals to a destination information terminal according to the determined text transmission mode (col. 4, lines 61-65, col. 3, lines 56-65).

Regarding claim 18, Namekawa teaches a text messaging method utilized in a server connected to a mobile terminal and an information terminal respectively provided with communication means, via communications line responsive to the communications means, the text messaging method:

detecting and reporting to the server an operational status of each transmission means of the information terminal including at least a change of status of connection with the communications line (col. 4, lines 61-65, col. 6, lines 34-48);

storing per user of the information terminal in the server the operational status, including the change of status (col. 4, lines 61-65, col. 6, lines 34-48); and

determining a transmission mode for the received text messages according to the stored operational status and change of status of the information terminal (col. 6, lines 34-48, col. 9, lines 21-38); and

transmitting and receiving text messages by way of the server between the mobile terminal and the destination information terminal, or between the mobile terminal and another mobile terminal wherein the system includes a plurality thereof, or between the information terminal and destination information terminal, wherein the system includes a plurality thereof, according to the dynamically determined transmission mode (col. 4, lines 61-65, col. 3, lines 56-65).

Regarding claim 19, Namekawa teaches a text message transmission and reception method utilized in an information terminal provided with communication means for transmitting and receiving text messages among mobile terminals or other information terminals via communication lines and servers responsive to said communication means, the text message transmission and reception method:

transmitting to the servers text messages addressed to the mobile terminals or to the other information terminals with one of a plurality of transmission means with different transmission modes (col. 4, lines 61-65, col. 3, lines 56-65);

receiving from the servers text messages from the mobile terminals or from the other information terminals (col. 4, lines 61-65, col. 3, lines 56-65); and

detecting and reporting to the servers an operational status of the each transmission means including at least a change of status of a connection with the communications lines (col. 4, lines 61-65, col. 6, lines 34-48).

Regarding claim 20, Namekawa teaches a text-messaging administration method for a server connected to a mobile terminal and an information terminal respectively provided with communication means, via a communications line responsive to the communications means, the text-messaging administration method comprising:

receiving from the mobile terminal or the information terminal text messages addressed to another mobile terminal or another information terminal, or addressed to another mobile terminal or to another information terminal wherein the system includes a plurality of either (col. 4, lines 61-65; col. 3, lines 56-65);

gathering and storing per a user of the information terminal, an operational status of each transmission means of each information terminal including at least a change of status of connection with the communications line (col. 4, lines 61-65, col. 6, lines 34-48); and

determining a transmission means and a transmission mode for the received text messages according to the operational status, including the change of status, of the information terminal that is a destination of the text message received from the information terminal (col. 6, lines 34-48, col. 9, lines 21-38); and

transmitting the received text messages to another mobile terminal or a destination information terminal according to the dynamically determined transmission

mode using the dynamically determined transmission means (col. 4, lines 61-65; col. 3, lines 56-65).

Regarding claim 21, Namekawa teaches a text messaging system including a plurality of information terminals and servers connected to the information terminals via communications lines, comprising:

status detection means provided in the information terminals for detecting and reporting to the servers an operational status of the each transmission means including at least a change of status of a connection with the communication lines (col. 4, lines 61-65, col. 6, lines 34-48);

status administration means provided in the servers for storing, per user of any one of the information terminals, an operational status, including the change of status, of the each transmission means of each information terminal reported from the status detection means (col. 6, lines 34-48); and

determining means provided in the servers for referring to the operational status, including the change of status, stored by the status administrations means of an information terminal that is a destination of the text message received from the information terminal, and for dynamically determining a message destination or a transmission mode and a transmission means for the received text messages according to the stored operational status and change of status (col. 6, lines 34-48, col. 9, lines 21-38).

Regarding claim 22, Namekawa teaches a text messaging system according to claim 21, further comprising a proxy information terminal, connectable to the communications line, wherein said proxy information terminal is provided with:

information acquisition means for obtaining in accordance with the received text messages an operational status of another information terminal (col. 4, lines 61-65, col. 6, lines 34-48);

transmission means for transmitting the obtained operational status as a text message to the mobile terminal according to the dynamically determined transmission mode using the dynamically determined transmission means (col. 4, lines 61-65, col. 3, lines 56-65); and

information setting means for setting and reporting to the server an operational status of the other information terminal in accordance with the received text messages (col. 6, lines 34-48).

Regarding claim 23, Namekawa teaches a text messaging system including a plurality of information terminals and servers connected to the information terminals via communication lines, comprising:

a detector detecting and reporting to the servers an operational status of the each transmission means including at least a change of status of the connection with the communication lines (col. 4, lines 61-65, col. 6, lines 34-48);

a receiver receiving text messages from any one of the information terminals (col. 4, lines 61-65; col. 3, lines 56-65);

a controller storing, per user of any one of the information terminals, the change of operational status of the each transmission means of each information terminal reported from said status detection means (col. 6, lines 34-48); and

a processor referring to the changed operational status stored by the controller and dynamically determining a message destination or a transmission means and transmission mode of the received text messages according to the stored operational status and change of status (col. 4, lines 61-65, col. 3, lines 56-65, col. 6, lines 34-48).

Regarding claim 24, Namekawa teaches the text messaging system according to claim 23, further comprising a proxy information terminal comprising:

a receiver receiving from the server text messages from the mobile terminal and obtaining in accordance with the received text messages operational status of each transmission means of another information terminal (col. 4, lines 61-65; col. 3, lines 56-65, col. 6, lines 34-48);

a transmitter transmitting the obtained operational status as a text message to the mobile terminal (col. 4, lines 61-65, col. 3, lines 56-65); and

a processor setting and reporting to the server the operational status in accordance with received text messages (col. 4, lines 61-65, col. 6, lines 34-48).

Response to Arguments

3. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive.

Regarding the argument to claim 5, the applicant argues that the reference, Namekawa, does not disclose the limitations of the claim. The examiner respectfully disagrees, as seen in, column 10, lines 3-21, there is the use of a flag and sending the mail to a portable device if it is not read. The applicant's arguments only refer to part of the rejection and not those from column 10.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,334,140 to Kawamata.

U.S. Pat. No. 6,178,331 to Holmes et al.

U.S. Pat. No. 6,108,688 to Nielsen.

U.S. Pat. No. 5,872,926 to Levac et al.

U.S. Pat. No. 6,701,378 to Gihuly et al.

U.S. Pat. No. 5,706,211 to Beletic et al.

U.S. Pat. No. 6,519,471 to Yamaguchi

U.S. Pat. No. 5,844,969 to Goldman et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

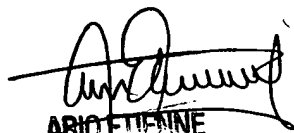
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG


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